

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

ROBERT E. STINE,)
Plaintiff,)
v.)
RUSS MADDOX, OFFICER HENDRIX,)
CASEY BLEDSOE, RANDALL)
WILSON, ROBBY SMITH, SGT.)
LINDSEY, SGT. SMITH, CORPORAL)
ROGERS, OFFICER BALL, INMATE)
STANLEY, and DUSTIN OLIVER,¹)
Defendants.)
No. 2:20-CV-00178-JRG-CRW

JUDGMENT ORDER

For the reasons set forth in the memorandum opinion filed herewith:

1. Plaintiff's motion for leave to proceed *in forma pauperis* [Doc. 1] is **GRANTED**;
 2. Plaintiff is **ASSESSED** the civil filing fee of \$350.00;
 3. The custodian of Plaintiff's inmate trust account is **DIRECTED** to submit the filing fee to the Clerk in the manner set forth in the accompanying memorandum opinion;
 4. The Clerk is **DIRECTED** to mail a copy of the memorandum opinion and this order to the custodian of inmate accounts at the institution where Plaintiff is now confined and to furnish a copy of this order to the Court's financial deputy;
 5. Plaintiff's motion to amend the complaint [Doc. 13] is **DENIED**;
 6. Even liberally construing the complaint in favor of Plaintiff, it fails to state a claim upon which relief may be granted under § 1983;

¹ Plaintiff also appears to list the “Hawkins County Sheriff’s Office” as a Defendant at one point in his complaint [Doc. 2 at 3]. However, this is not a suable entity under § 1983. *Matthews v. Jones*, 35 F.3d 1046, 1049 (6th Cir. 1994) (a police department is not an entity which can be sued under § 1983). Moreover, the complaint contains no facts from which the Court can plausibly infer that a custom or policy of Hawkins County was the motivating force behind any constitutional violation as required to state a § 1983 claim against this municipality. *See, e.g., Monell v. Dep’t of Soc. Servs*, 436 U.S. 658, 708 (1978) (Powell, J., concurring) (explaining a municipality can only be held liable for harms that result from a constitutional violation when that underlying violation resulted from “implementation of [its] official policies or established customs”).

7. Accordingly, this action is **DISMISSED** pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915(A) and Plaintiff's remaining motions [Docs. 6, 7, 11] are **DENIED as moot**; and
8. Because the Court **CERTIFIED** in the memorandum opinion that any appeal from this order would not be taken in good faith, should Plaintiff file a notice of appeal, he is **DENIED** leave to appeal *in forma pauperis*. See 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24; and
9. The Clerk is **DIRECTED** to close the file.

So ordered.

ENTER:

s/J. RONNIE GREER

UNITED STATES DISTRICT JUDGE

ENTERED AS A JUDGMENT:

s/ John L. Medearis
District Court Clerk